

1-1 By: Harper-Brown (Senate Sponsor - Wentworth) H.B. No. 2092
1-2 (In the Senate - Received from the House April 14, 2003;
1-3 April 15, 2003, read first time and referred to Committee on
1-4 Infrastructure Development and Security; May 13, 2003, reported
1-5 favorably by the following vote: Yeas 9, Nays 0; May 13, 2003, sent
1-6 to printer.)

1-7 A BILL TO BE ENTITLED
1-8 AN ACT

1-9 relating to the award of certain state highway maintenance
1-10 contracts.

1-11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-12 SECTION 1. Section 223.042, Transportation Code, is amended
1-13 to read as follows:

1-14 Sec. 223.042. PRIVATIZATION OF MAINTENANCE CONTRACTS. (a)
1-15 Of the amount spent in a fiscal year by the department for
1-16 maintenance projects, the department shall spend not less than 50
1-17 percent through contracts awarded by competitive bids.

1-18 (b) Money spent for maintenance projects to which this
1-19 section does not apply are included when computing the amount of
1-20 expenditures for maintenance projects in a fiscal year.

1-21 (c) The department may award a contract under this section
1-22 as a purchase of service under Subtitle D, Title 10, Government
1-23 Code, if the department:

1-24 (1) estimates that the contract will involve an amount
1-25 less than \$15,000; and

1-26 (2) determines that the competitive bidding procedure
1-27 in this chapter is not practical.

1-28 (d) The department shall consider all of its direct and
1-29 indirect costs in determining the cost of providing the services.
1-30 The department shall use the cost accounting procedures and
1-31 instructions developed by the State Council on Competitive
1-32 Government under Section 2162.102(c)(2), Government Code, in
1-33 determining its cost. On request, the State Council on Competitive
1-34 Government shall provide technical assistance to the department
1-35 about the cost accounting procedures and instructions.

1-36 (e) ~~(d)~~ Subsection (a) does not apply unless the
1-37 department determines that a function of comparable quality and
1-38 quantity can be purchased or performed at a savings by using private
1-39 sector contracts.

1-40 (f) ~~(e)~~ The department shall file a report with the
1-41 Legislative Budget Board on September 1 of each fiscal year
1-42 detailing the contracts awarded by the department under this
1-43 section during the previous fiscal year.

1-44 (g) ~~(f)~~ The commission shall adopt rules to administer
1-45 this section.

1-46 (h) ~~(g)~~ In this section, "maintenance project" means any
1-47 routine or preventive maintenance activity. The term includes
1-48 mowing, concrete removal and replacement, illumination
1-49 maintenance, guardrail repair, fence repair, litter pick-up,
1-50 herbicide spraying, pothole repair, silt and erosion control or
1-51 repair, sign installation, highway overlaying, paint and bead
1-52 striping, rest area maintenance, and installation of raised
1-53 pavement markings.

1-54 (i) ~~(h)~~ This section does not apply to the purchase of
1-55 materials for maintenance projects.

1-56 SECTION 2. This Act takes effect immediately if it receives
1-57 a vote of two-thirds of all the members elected to each house, as
1-58 provided by Section 39, Article III, Texas Constitution. If this
1-59 Act does not receive the vote necessary for immediate effect, this
1-60 Act takes effect September 1, 2003.

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